

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Vincent Schonarth, et al.

v.

Civil No. 06-cv-00151-JL

Carroll County Department
of Corrections, Director

O R D E R

The court is sua sponte reconsidering the Magistrate Judge's order on the defendants' motion for summary judgment, and is considering granting the motion, on the issue of the plaintiffs' exhaustion of administrative remedies under the PLRA, 42 U.S.C. § 1997e(a).

On or before **September 24, 2008**, the plaintiffs shall file a memorandum showing cause why the case should not be dismissed for failure-to-exhaust. The defendants' response will be due **October 3, 2008**. Neither memorandum shall exceed ten pages.

The parties shall pay particular attention to the Magistrate Judge's finding that the appeal procedures under the Carroll County House of Correction Inmate Grievance Policy were "not mandatory," whether that finding is correct, and whether that fact continues to be relevant after Woodman v. Ngo, 548 U.S. 81 (2006).

The clerk shall remove the case from its current position on the trial calendar.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: September 10, 2008

cc: Michael J. Sheehan, Esq.
Charles P. Bauer, Esq.
Lisa Lee, Esq.